



## APPENDIX.

Summary of Michigan Court of Claims Act (Act. 135, P. A. 1939; Mich. Stat. Ann. 27.3548)

Section 1. *Title of act.* "This act shall be known and may be cited as 'the court of claims act'."

Section 2. *Creation of court; designation of judges; traveling expense of judge; disability or absence; death, powers of successor.*

Section 3. *Sessions; place of holding and for hearings; sheriff or deputy to serve as court officer; space and equipment.*

Section 4. *Clerk and stenographer; compensation; fees; assistants; court officer; service of process; expenses.*

Section 5. *Same; power to sign vouchers.*

Section 6. *Court of record; seal.*

Section 7. *Attorney general to represent state.*

Section 8. *Jurisdiction; exclusive nature; claims and demands within; set-offs and recoupments; judgment as res adjudicata, enforcement, finality; restrictions on jurisdiction.* "Except as provided in section (13) of this act, the jurisdiction of the court of claims as conferred upon it by this act over claims and demands (in excess of \$100.00) against the state or any of its departments, commissions, boards, institutions, arms or agencies, shall be exclusive. The court shall have power and jurisdiction:

1. To hear and determine all claims and demands, liquidated and unliquidated, ex contractu and ex delicto, against the state and any of its departments, commissions, boards, institutions, arms or agencies."

Section 9. *Practice and procedure in general; supreme court may make rules.*

Section 10. *Practice re depositions.*

Section 11. *Subpoenas; production of books and records; contempt; administration of oaths and taking of acknowledgments.*

Section 11a. *Time within which claim or notice of intention to file claim, must be filed; contents, copies.*

Section 12. *Manner of starting suit; pleadings; copies for attorney general and state agencies.*

Section 12a. *Entry of judgment on stipulated facts, proofs.*

Section 13. *Existence of remedy in federal court.* "No claimant shall be permitted to file claim in said court against the state nor any department, commission, board, institution, arm or agency thereof who has an adequate remedy upon his claim in the federal courts, but it shall not be necessary in the petition filed to allege that claimant has no such adequate remedy, but that fact may be put in issue by the answer or motion to dismiss filed by the state or the department, commission, board, institution, arm or agency thereof."

Section 14. *Hearings by judge without jury; new trials.*

Section 15. *Appeals.* "Appeals shall lie from the court of claims to the supreme court in all respects as if said court were one of the circuit courts of this state.

The procedure for the taking of appeals to the supreme court from the court of claims shall be governed by the statutes and court rules governing the taking of appeals from the circuit courts of this state to the supreme court in a case at law, without a jury."

Section 16. *Costs and security for costs.*

Section 17. *Limitation of time to prosecute claims against state; attorney general may petition for administration of estate or for guardian.*

Section 18. *Interest on claims; on judgments.*

Section 19. *Findings of fact and conclusions of law; judgment against state or agency thereof; payment; appropriations for payment; approval of vouchers; warrants in satisfaction of judgments, transmission to clerk.*

Section 20. *Clerk to report to legislature; statements to auditor general and budget director.*

Section 21. *Payment of judgment as discharge.*

Section 22. *Power of court to call on officers or departments for examinations, information or papers; additional compensation prohibited.*

Section 23. *Fraud with respect to claims, forfeiture of claim.*

Section 24. *Act does not enlarge liability of state or its agencies.* "This act shall in no manner be construed as enlarging the present liabilities of the state and any of its departments, commissions, boards, institutions, arms or agencies."

Section 25. *Severing clause.*

(2219)